

Remarks/Arguments

Claims 1-27 are pending in this Application. In an Office Action mailed on the date of December 11, 2006, the Examiner requested a species restriction stating that the application contains directed to the following patentably distinct species:

- i. distinct species disclosed in Claim 2, directed to a particle polymer;
- ii. distinct species disclosed in Claim 3, directed to a tag; and
- iii. distinct species disclosed in Claim 4, directed to a disease.

Applicants respectfully address the Examiner's request and with this response hereby provisionally elects with traverse particles having a functionalized portion that is a nitrogen-containing functional group. Support for this is provided in the as-filed application. For example, in paragraph [0040] it is shown that particles all have nitrogen-containing functional groups; the functional group is in the form of hydrazide for hydroxypropyl cellulose and hyaluronan, and an amine for N-isopropylacrylamide. The elected species is connected in design, operation, and effect of the method. For searching purposes, a provisional election of N-isopropylacrylamide, (as a particle polymer for species i), antibody (as a tag for species ii) and ocular disease (as a disease for species iii) is made.

Traversal is argued on the grounds that particle species are connected in general design, operation, and effect of the method. The Examiner has not provided evidence that particles having nitrogen-containing functional groups species are distinct (two-way distinctness) by showing that any intermediate or final product does not overlap in scope or are not obvious variants. Accordingly, Applicant submits that the species are not patentably distinct inventions and requests removal of the species restriction.

Applicants further submit amendments to the claims to abide by the provisional rejection and/or to amend claims as to matters of form. No new matter is introduced with the amended claims.

Conclusion

In light of the amended claims and remarks and presented herewith, Applicants respectfully submit that the claims pending in this application are in condition for allowance. Favorable consideration for and allowance of the pending claims are therefore respectfully requested.

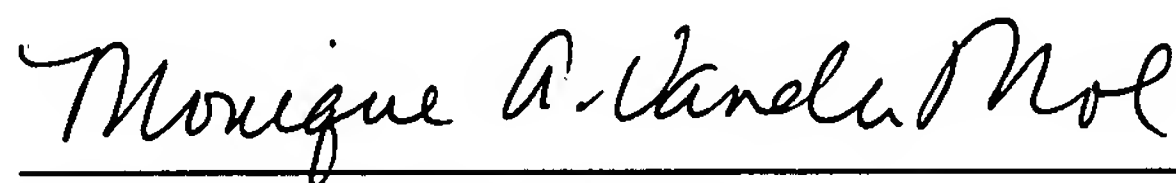
This paper is being filed concurrently with a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b) along with the appropriate fees for a small entity. No additional fees are believed to be due with this Amendment. If this is incorrect, Applicant hereby authorizes the Commissioner to charge such fees, other than the issue fee, that may be required by this paper to Deposit Account 07-0153.

If the Examiner has any questions or comments, or if further clarification is required, it is requested that the Examiner contact the undersigned at the telephone number listed below.

Dated: September 25, 2007.

Respectfully submitted,

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